

INTERNATIONAL CITY MANAGERS' ASSOCIATION
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REGULATION OF PRIVATELY OPERATED AUTOMOBILE PARKING LOTS

How do cities regulate automobile parking lots, what does such regulation include, and what are typical ordinance provisions now in effect?

Municipal regulation of automobile parking lots is a comparatively recent development. Terminals for automobiles are coming to be recognized as essential parts of a highway system and some form of regulation is needed in the interest of the public safety and general welfare. The widespread use of automobiles and the elimination of curb parking space makes off-street parking facilities a common necessity and general convenience, and it may not be many years before parking lots will have a public utility status. For the time being, however, regulation is limited to requirements for a license and setting up minimum standards of design and operation.

Many cities, including New York, have not adopted regulatory measures. In such cities it is not uncommon for municipal officials to receive complaints of excessive charges, dented fenders, property taken from cars, cars removed from lots and parked elsewhere or used. Moreover, where there is no regulation by the city the lots may be less attractive in appearance than the obsolete buildings they replace. It is therefore desirable from the point of view of the parking-lot operators and patrons and of the municipal government to adopt and enforce reasonable and comprehensive regulations. The power to regulate the construction and use of "public garages" has been held by at least one state supreme court to apply to open parking lots (City of Chicago vs. Alpert, Inc. February, 1938).

Detroit in 1928 was one of the first cities to adopt a comprehensive automobile parking lot ordinance. Toledo followed in 1932, Washington in 1936, Flint in 1937, San Francisco, St. Paul, and Grand Rapids in 1939, Philadelphia in 1941, Cleveland in 1945, and Denver in 1946. Among the cities which are considering the adoption of such regulations are Buffalo, Kansas City, Oklahoma City, and Jackson (Michigan). This report is mainly a composite of the ordinance provisions in effect and thus indicates the extent and type of control exercised.

The extent of parking-lot control to be exercised by a city should be based on an independent and thorough study of the local situation. The principal object of the city should be to regulate this business in the interest of the safety and convenience of citizens; but there is no formula applicable to all situations. The proposed regulations probably should be discussed with parking lot owners and operators before any ordinance is adopted.

Application For License. The cities which exercise the most extensive control over parking lots require that a license be secured. An open parking station is generally defined as "any plot, piece, or parcel of land used for the purpose of storing motor vehicles where the owner or person storing such vehicles is charged a fee and shall include plots where shelters that are not completely inclosed are erected and which are open to the general public." Most cities do not require a license for lots of less than 10-car capacity.

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One city provides short-term permits but not for less than two months, the fee to be one-tenth of the annual fee for each month.

The information usually required of applicants for a parking-lot license includes: (1) name under which and the place where the parking lot is to be operated; (2) a statement as to whether the applicant is an individual, partnership, or corporation, with name and business and residence address of such individual or each partner; and, if a corporation, the name, date, and state in which organized, the amount and value of capital stock issued, and names, business and residence addresses of the officers, managers, and directors; (3) information as to whether the premises are owned or leased by the applicant; if leased, the name, residence and business addresses of each owner; (4) number of motor vehicles which may at any time be stored upon the premises; (5) the hours during which the motor vehicles may be stored and hours during which the premises are guarded by an attendant; (6) a complete schedule of the rates to be charged for storage; and (7) such other information as the city may deem advisable. Some cities also require that the application be accompanied by a plat prepared by the city surveyor showing the size and area of the land, and the location of the driveways, copings, fences, and structures.

Licensing Employees. In addition to a lot license Detroit requires that each person employed at a parking lot be licensed. Applicants for a parking station employee's license must provide certain information to the police department which charges a fee of \$1 for a license badge which the employee must wear on the outside of his clothing. Cleveland merely requires that the name and home address of each employee at parking lots be filed with the license commissioner not later than 72 hours after the employee is hired. Denver requires that operators and employees have driver licenses and that no person work at a parking lot until he has secured a certificate from the police department stating that he has no criminal record.

License Fee. The annual license fee generally varies with the capacity or area of the lot. In Kansas City, Missouri, the fee is \$1 per year per car capacity. Jackson, Michigan, proposes a fee of \$1 for each 150 square feet of space. The Toledo fee is \$5 a year for 1,500 square feet or less, \$15 for 1,500 to 6,000 square feet, and \$35 for more than 6,000 square feet of area. In Denver, the license fee is \$10 for 3 to 10 cars, \$25 for 11 to 25 cars, \$40 for 26 to 40 cars, and \$50 for more than 40 cars. Detroit fees are \$5 a year for lots with 10-car capacity, \$15 for 11 to 25 cars, \$30 for 26 to 50 cars, and \$40 for more than 50 cars. In Flint, Michigan, the license fee is \$2.50 for 11 to 25 cars, \$7.50 for 26 to 50 cars, \$15 for 51 to 250 cars, and \$25 for more than 250 cars. In Grand Rapids, the license fee is \$5 for 10 to 25 cars, \$15 for 26 to 50 cars, and \$25 for 50 or more cars. In Boston the annual fee ranges from \$15 for lots of less than 5-car capacity to \$500 for 500 cars plus \$1 per car in excess of 500. In Joplin, Missouri, the license ranges from \$20 for less than 20 cars, up to \$40 for more than 40 cars. Atlanta, Georgia, has a fee of \$50 for less than 50 cars, and \$75 for more than 50 cars. In Nashville, Tennessee, the license fee ranges from about \$11.67 for lots of less than 25-car capacity up to \$140 for 200 cars or more. A flat rate per lot is charged in some cities: in St. Paul \$10 regardless of size, in Cleveland \$1, and in Wichita \$20.

Issuance of License. Before issuing a license the city generally requires that an investigation be made by the police department or other agency. If the statements set forth in the application are found to be correct, the applicant has a good reputation, and the proper fee has been paid, the city clerk is authorized to issue the licence.

License ordinances, however, generally include many other requirements. Detroit provides that no license shall be issued to any person whose license has been revoked within five years prior to the date of application. Washington, D. C., requires that no license shall be issued (1) until approved by the fire marshal or one of his assistants, (2) until an occupancy certificate under the zoning law has been obtained, (3) in cases where structures exist or are to be erected, the approval of the building inspector has been obtained, and (4) where fences, copings, or driveways are required, until the same meets the requirements of the engineering department. In San Francisco and St. Paul the fire chief must inspect and report on the premises to be licensed for parking-lot use.

Most ordinances provide that the city may revoke any parking-lot license if, upon a hearing and investigation, it is found that the licensee has knowingly made any false or incorrect statement in the application, or if the licensee knowingly violates or permits violation of any provision of the ordinance or regulation governing the operation of parking lots or regarding theft, larceny, or conversion of a motor vehicle.

Capacity of Lots. Philadelphia authorizes the safety director to establish a car capacity for all open-air parking spaces, such capacity to be the number of cars that can be parked on the premises in accordance with a plan for parking submitted by the owner or the operator at the time the license is issued and approved by the safety director. Whenever the parking lot is filled to its legal capacity the owner is required to place a conspicuous sign at the entrance reading "filled." Jackson, Michigan, proposes that parking lots leave as much free space as is required for shifting vehicles and that cars not be moved into the street when shifting. St. Paul provides that the operator not park more cars than can be readily accommodated without encroaching upon the sidewalk, street, or alley.

The capacity of lots for shoppers and other transient parkers in some cities is greatly limited because of the amount of space used by downtown workers who park their cars all day on a monthly basis. The city may need to put time limits on parking in off-street lots. Some city-owned parking lots have a time limit but none of the ordinances regulating privately owned lots now contains such a provision.

Signs. Parking-lot operators are required to maintain at each entrance permanently fixed durable signs setting forth in legible lettering the name and address of the licensee, the hours of the day and night the place is open, the rates charged, and the closing hour. Where more than one rate is charged for parking all figures must be in the same size and dimension, generally not less than 6 inches in height and 3 inches in width. The signs are to be not less than 8 feet or more than 10 feet (12 feet in some ordinances) above the sidewalk, and such signs are not to carry any advertising or other matter except as required by ordinance. Since these signs are usually erected as close to the street as possible, they should not create a traffic hazard by their size, design, or lighting arrangement. All signs should be subject to approval by the police chief or other specified city official. If the lot is a receiving station the sign must give the address of the station to which cars may be moved. The next step in regulating signs is to set up some standards of design to make them more attractive.

Rates Charged. Cities do not exercise any control over rates charged for parking. Apparently supply and demand or competition furnishes all the regulation needed. It may be possible, however, for a city to regulate rates if

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public necessity demands it. But present practice consists of requiring that the rates charged be set forth in the application for the license, that such rates be posted conspicuously at the entrances to the lot, and that rates cannot be changed until the licensee has notified the proper city official in writing of the change and posted signs showing such changes. If different rates are charged for night parking the hour the change takes effect must be posted. Detroit and Grand Rapids require that the night rate be effective at 5:30 P. M., Denver at 6 P. M., and Flint, Michigan, at 7 P. M.

Claim Checks. All cities require that at the time a car is parked or accepted for parking, the person whose car is parked be given a distinctive check, numbered to correspond with the coupon placed upon the vehicle, the check to contain the name and address of the parking place and (in some cities) the make and license number of the vehicle parked. The form of the claim check usually must be approved by the license-commissioner or other official. Checks need not be given to patrons whose cars are stored on a weekly or monthly fee basis when a written memo stating the arrangement is given to the patron.

Record of Patrons. Only two cities require a record of patrons. Memphis, Tennessee, requires parking-lot operators to keep a complete, accurate, and legible loose-leaf record, in duplicate, of every motor vehicle stored in public garages or open-air stations, irrespective of the length of time stored; such a record to show the name and address of owner, make and type of vehicle, motor number and state license number, time of arrival and departure, and name of person who delivers the vehicle for storage. The record is to be open to inspection by the police and a carbon copy of the record for the preceding day must be delivered to the police chief by 9:00 A. M. each day. Philadelphia also requires parking-lot owners to keep an accurate daily record of the license number and state of origin of all cars parked; such records to be subject to inspection at all times by the safety director.

Several ordinances require the licensee to report to the police chief the make and license number of any car remaining for more than 48 hours in the parking lot without have been reclaimed; such report to be made within three hours after the expiration of the 48-hour period.

Barriers. Open-air parking lots generally are required to be enclosed with a suitable fence, wall, or other barrier so that vehicles cannot be removed except through regular entrances and exits. Some cities permit only one entrance and one exit which may or may not be combined, and all openings must be properly attended during the time the lot is in operation. Lots that adjoin an alley may use the alley as one entrance or exit unless barriers are deemed necessary by the city. The erection of a fence, coping, or barricade on lots abutting public space generally must be done under permit from the city engineer.

Philadelphia requires parking lots to maintain a substantial barrier constructed of metal or masonry either as a wall not less than two feet above the ground, or metal or masonry posts placed not more than 5 ft. apart or less than 30 inches above the ground, and connected with metal pipe, rod, fencing, or chain, on or adjacent to lines abutting on any public highway. No barriers are required on parking spaces containing less than 2,500 square feet, or having a building line less than 30 feet in width abutting on the highway. Barriers are not required where the contour of the ground eliminates the need for such enclosure or where the lot is bounded by a building.

St. Paul requires that the barrier be made of wood, woven wire, or concrete, or other material used in masonry, and be high enough to at least

engage the bumper so that no portion of the car shall extend beyond the boundary line of the parking lot. Masonry walls must be 12 inches thick at the ground elevation. All plans and specifications must be approved by the chief engineer. Washington, D. C., requires that every parking lot abutting public space have an eight-inch coping of concrete and a fence of approved design not less than $2\frac{1}{2}$ feet high.

Protection Against Theft or Damage. Although legally liable, the non-bonded operator generally cannot be made to pay for damages or theft. For this reason a few cities require that the application for a license be accompanied by a bond of \$5,000 conditioned upon the payment by the licensee of any and all final judgments for damages resulting to persons or property including theft of any motor vehicle or part thereof. Such bond runs to the city for the benefit of any person who may claim redress for property damage or theft resulting from the operation or maintenance of the parking lot.

Denver requires a bond of \$1,000 to hold the city or patron "harmless from any judgment or from any costs or expenses due to injury." Denver also provides that reasonable protection shall be afforded against the theft of cars and contents, and that the lot be kept properly illuminated at all times when it is open for business. Whenever the operator is unable to deliver a car that is called for he must make a report of that fact to the police department.

Detroit in 1944 abandoned a requirement for bonding operators and now merely provides that the licensee is liable for damage to any car parked in the parking lot. This does not apply to the loss or damage of personal property left in the car, liability for which may be disclaimed, limited, or regulated by appropriate contractual provisions contained in the parking ticket, provided a sign approved by the police commissioner giving notice to that effect is posted at the parking station. Failure to pay any final judgment for damage to or loss of car within 60 days after its final rendition automatically revokes the license of the parking lot.

Philadelphia requires all parking-lot owners to satisfy all final judgments arising out of operation of the parking lot within 15 days after entry of the decree, and that in default of such compliance the license shall be suspended and not renewed until evidence in the form of a \$2,000 bond is filed with the safety director. Denver and Toledo require that no contract, agreement, lease, receipt, or rule, shall exempt any person operating a parking place from responsibility for damage or loss caused by negligence.

The legal obligations imposed by ordinance upon the operator to protect the car owner should be carried on every claim check and posted on a sign in plain view of all customers. Each car owner should be informed of his rights under the ordinance and to whom he should direct his claims to right any wrong or to report any ordinance violations.

Parking-lot operators usually are required to notify the police chief immediately of any claim made by reason of any loss, theft, or conversion occurring upon the premises or of any claim for damages arising from the operation of his parking lot; such obligation not to extend beyond the regular hours of attendance as posted and as printed on the check furnished to the car owner. Apparently no city has yet required parking-lot employees to wear distinctive uniforms but such a regulation may be desirable.

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Removal of Cars. Most ordinances provide that it shall be unlawful to make use for any purpose whatsoever of any motor vehicle parked in the parking station unless such use is expressly authorized by the owner or person having control of such vehicle. Philadelphia and Toledo require written consent of the patron. Philadelphia lot operators keep "consent" cards on hand for this purpose and the city requires that such cards be kept in a permanent file subject at all times to inspection by the public safety department. Toledo requires that the written consent be signed in duplicate, one copy for the patron and the other copy to be kept as a permanent record at the lot.

Parking lots that are receiving stations for cars removed to other lots usually must be approved and designated as such by the police chief. Where cars are removed to other lots the licensee must maintain adequate service to assure prompt delivery and such removal cannot exceed five blocks from the receiving station. Cars unlocked after closing hours may be removed by the licensee to another lot, the location of which is designated by an appropriate sign on the lot, and the licensee is liable to the owner of any motor vehicles so moved or any damage caused in moving.

Other common ordinance provisions are: Parking lot operators must provide a suitable place other than the sidewalk for loading and unloading occupants of cars to be parked. Some cities require drivers of pick-up delivery services to have chauffeur's licenses, and require clearance lanes within the parking lot to prevent stacking up of cars on the street and the switching of cars back and forth across the sidewalk.

Surface and Appearance of Lots. Parking lots are being made more attractive where cities are setting up standards for smooth surfacing, grading, and dust prevention. Some cities require hedges or other ornamental fences at property lines. Many cities require that parking lots be kept free from dust by frequent sprinkling or the use of calcium chloride or other means. One city requires that parking lots have a gravel or cinder surface and provide stalls for the parking of cars. Oakland, California, requires parking lots to be level and surfaced with gravel or macadam.

Washington, D. C., requires that lots paved with impervious material be so graded and provided with approved drains that no drainage will flow across the sidewalk. Baltimore requires the entire area of parking lots to be paved with a hard or semihard dustless surface not below the grade of bituminous macadam. Denver requires that if the parking lot is made of dirt, sand, cinders, or other loose material it shall be kept thoroughly sprinkled or treated with oil or some other substance so as not to be carried or blown into the streets, alleys, or other public places.

Parking-lot operators generally are required to keep sidewalks surrounding the parking space free from dirt, oil, ice, sleet, and snow, and in a safe condition for the travel of pedestrians. Operators are prohibited from shoveling snow or rubbish from the parking lot onto the sidewalk or into the street. Many cities require that the licensee shall not sublet or lease or permit any part of the parking lot to be used by any vendor of goods, wares, or services, unless such business is conducted in a permanent building. Philadelphia requires parking lots to have shielded floodlights or other types of improved lighting to such an extent that owners of cars may have reasonable access to all portions of the lot during hours of darkness that the lot is open for business.

Building and Fire Hazards. Operators of parking lots must comply with the fire ordinances governing inflammables and the storage of motor vehicles. Los Angeles requires that a permit be obtained from the fire board to establish, maintain, and conduct any premises as a public garage or automobile parking space. As stated above, the application for a license must have the approval of the fire chief in some cities before it is granted. Pasadena, California, requires that any public parking space where a fee is charged be equipped with at least one properly filled 2½-gallon fire extinguisher for 20 cars or less, and one additional extinguisher for every 40 spaces or fraction thereof in excess of 20. The extinguishers must be readily accessible.

Washington, D. C., limits frame structures on parking lots to not more than 40 square feet in area and then only on special permit. Lots of 4,000 square feet or less must have two fire extinguishers, lots of 4,000 to 16,000 square feet must have four extinguishers, and lots over 16,000 square feet six extinguishers approved by the fire department, and all cars so stored that they may be reached readily in case of fire or other emergency.

Curb Cuts and Driveways. Regulations on this subject are adopted separately rather than included in the parking lot ordinance. The usual procedure is to require that an application be submitted, with detailed information including plans drawn to scale. The driveway width allowed ranges from 16 to 30 feet at the lot or sidewalk line. Where application is made for more than one driveway, an investigation is advisable to consider the amount of pedestrian and vehicular traffic on the street and sidewalk adjacent to the property. The city should require that when the driveway is constructed the existing curb and gutter be removed and reconstructed as an integral part of the driveway and subject to approval by the city engineer. When the location is abandoned the owner should be required to remove the driveways and restore the sidewalk, parkway, and curb without expense to the city so as to obtain conformity with the remainder of the curb and sidewalk on the street. (For more details on curb cuts and driveways see MIS Report No. 20, June, 1946).

Planning and Zoning. A city can do much to discourage the fly-by-night and indiscriminate location of lots and also to prevent parking lots from becoming eyesores. Obviously the parking lot should be of such capacity and have such characteristics that it will not overload adjacent streets. Entrances to lots should be located in relation to the direction in which cars are entering the central part of the city and away from main traffic streets. Before a parking lot can be constructed in any zone other than an unrestricted area a variance generally must be secured from the zoning board of appeals.

Necessary changes in zoning probably should be made on a temporary and conditional basis. For example, in Syracuse, New York, ten years was suggested as a period for which a zone may be changed, and 15,000 square feet of parking space (about 100-car capacity) a minimum condition for justifying the change in zoning from Commercial or Local Business "A" to Local Business "B." Cincinnati, in 1937 amended its zoning code to permit lots in Residence "C" districts only where the area is adjacent to a Business "B" or Business "C" or any Industrial District, or is separated therefrom by a street or alley not over 30 feet in width. But such a parking lot can be used only in connection with a mercantile or industrial business located in the adjacent zone and no charge can be made. Los Angeles has granted zone variances to permit the use for parking of residential lots immediately adjacent to outlying business sections. To protect the adjacent residential areas rigid restrictions are imposed, such as requiring the property to be surfaced and fenced, etc.

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The zoning ordinance of some cities and counties require private businesses to provide off-street parking when building or remodeling structures. Chesterfield and Henrico counties, Virginia, require one off-street parking space for each three persons employed in any manufacturing or commercial use; such space to be provided on the lot or on any other lot not farther than 400 feet from the main entrance. Los Angeles requires that for any new building or structure for business or commercial use, or for structures having a floor area of 7,500 square feet or more, at least one parking space be provided for every 500 square feet of gross floor area. Such space must be in the same lot with the building or located not more than 1,500 feet away.

One of the most comprehensive zoning ordinances is that of Montgomery County, Maryland, which requires one off-street space for each 300 square feet of floor area for a commercial building, one space for each 400 square feet of first floor area in office or professional buildings, one space for 500 square feet of sleeping room area in hotels, one space for 50 square feet of floor area devoted to the use of patrons in restaurants. Salt Lake County, Utah, requires one parking space for every 300 square feet of floor area in commercial buildings and one space for every five guest rooms in hotels and clubs, and one space for every 10 seats in theaters and auditoriums.

NOTE: MIS subscribers may secure on request a copy of a typical parking-lot ordinance.